

APPEAL NO. 032709  
FILED NOVEMBER 18, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 15, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and that the claimant had disability from April 7, 2003, and continuing through the date of the hearing.

The appellant (carrier) appealed, and asserts that the great weight of the evidence is contrary to the hearing officer's determinations. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant, a shipping and receiving forklift operator, testified that he was raising the dock doors, as was customary to start the day, when one of the doors jammed while he was pushing up on it and he heard a pop in his neck and felt immediate pain in his right arm. The carrier argues that the claimant sustained no compensable injury because the claimant never informed the employer that he was injured by opening the dock doors at the time. The hearing officer, in her Statement of the Evidence, comments that, "Claimant has consistently stated that he injured his right upper extremity from lifting the dock doors. It was of note that this mechanism of injury was given to the emergency room on April 7, 2003."

Conflicting evidence was presented regarding the disputed issues. The Appeals Panel has consistently held that the hearing officer is the sole judge of the weight and credibility of the evidence and as the fact finder, resolves conflicts in the evidence and determines what facts have been established. We have further noted that as a general rule, in workers' compensation cases, the issues of injury and disability may be established by the testimony of the claimant alone, if found credible by the trier of fact. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). In this case, the hearing officer's determinations are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

---

Thomas A. Knapp  
Appeals Judge

CONCUR:

---

Gary L. Kilgore  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge